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 7 NATIONAL RAILROAD PASSENGER  
 CORPORATION

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10  
 11 MARY B. FOYE,

Case No. C 3:08-cv-04796-SI

12 Plaintiff,

**[PROPOSED] ORDER REGARDING  
 MOTIONS TO AMEND**

13 v.

14 NATIONAL RAILROAD PASSENGER  
 CORPORATION

Complaint Filed: July 17, 2008  
 Trial Date: July 12, 2010

15 Defendant.

16  
 17 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

18 The Court has received Plaintiff Mary Foye and Defendant National Railroad  
 19 Passenger Corporation (“Amtrak”) (collectively “the parties”) Supplemental Joint Case  
 20 Management Statement and the parties, through their respective counsel of record, appeared  
 21 before the Court at the Further Case Management Conference on April 24, 2009. After full  
 22 consideration of the parties’ Joint Case Management Statement and after discussion with counsel,  
 23 the Court finds and orders as follows:

24 IT IS HEREBY ORDERED that

25 1. Plaintiff is granted leave to file the proposed amended complaint attached  
 26 as Exhibit A to the parties’ Supplemental Joint Case Management Statement, and must file and  
 27 serve her amended complaint within 10 days of the date of this order. Defendant will then have  
 28 15 days after the date of service of the complaint to file a responsive pleading.

1           2. Defendant is allowed an additional ten special interrogatories to address the  
2 new claims asserted in Plaintiff's proposed amended complaint, for a total of 35 interrogatories.

3           3. Any affirmative defense of res judicata and/or collateral estoppel asserted  
4 by Defendant in response to Plaintiff's amended complaint will apply to all the claims asserted in  
5 Plaintiff's original complaint, not just the new claims asserted in Plaintiff's proposed amended  
6 complaint.

7           4. Because this order addresses all the issues raised in the parties' pending  
8 motions to amend, those motions are taken off calendar.

9           5. A further case management conference is scheduled for July 31, 2009 at  
10 3:300 p.m. The parties are to submit a joint case management statement one week before the  
11 conference.

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13           IT IS SO ORDERED.

14 Dated: \_\_\_\_\_

  
\_\_\_\_\_  
The Honorable Susan Illston  
United States District Court Judge

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